

CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



MINUTES

Joint REGULAR Meeting

Wednesday, December 13, 2017 * 6:00 P. M.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

CITY COUNCILMEMBERS

Ginger Marshall, Mayor

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Mike Nichols, Councilmember

Gregory Wade
City Manager

Johanna Canlas
City Attorney

Angela Ivey
City Clerk

CALL TO ORDER AND ROLL CALL:

Councilmember Nichols called the meeting to order at 6:00 p.m.

Present: Mike Nichols, Ginger Marshall, David A. Zito, Jewel Edson, Judy Hegenauer

Absent: None

Also Present: Greg Wade, City Manager

Johanna Canlas, City Attorney
Angela Ivey, City Clerk,
Mo Sammak, City Engineer/Public Works Dir.
Marie Berkuti, Finance Manager
Bill Chopyk, Community Development Dir.
Dan King, Assistant City Manager

CLOSED SESSION REPORT: (when applicable)

Johanna Canlas, City Attorney, stated that there was no reportable action.

FLAG SALUTE:

APPROVAL OF AGENDA:

Motion: Moved by Councilmember Zito and second by Councilmember Edson to approve.
Approved 5/0. Motion carried unanimously.

C. STAFF REPORTS: (C.1.)

Submit speaker slips to the City Clerk.

C.1. Annual Mayoral Rotation: Mayor / Deputy Mayor Appointments. (File 0430-20)

Recommendation: That the City Council

1. Nominate and Appoint the 2018 Mayor and Deputy Mayor for a term of December 13, 2017 to December 12, 2018.

- a. Mayor calls for a nomination of a new Mayor. Call for the vote.

Motion: Moved by Councilmember Edson and second by Councilmember Hegenauer to appoint Ginger Marshall as Mayor. **Approved 5/0.** Motion carried unanimously.

- b. Newly appointed Mayor calls for nomination of a Deputy Mayor. Call for the vote.

Motion: Moved by Councilmember Edson and second by Mayor Marshall to appoint David Zito as Deputy Mayor. **Approved 5/0.** Motion carried unanimously.

[Item C.1. Report \(click here\)](#)

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Mayor Marshall recessed the meeting at 6:12 p.m. for a break and reconvened at 6:24 p.m.

ORAL COMMUNICATIONS: NONE

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:

An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.

A. CONSENT CALENDAR: (Action Items) (A.1. - A.5.)

Items listed on the Consent Calendar are to be acted in a single action of the City Council unless pulled for discussion. Any member of the public may address the City Council on an item of concern by submitting to the City Clerk a speaker slip (located on the back table) before the Consent Calendar is addressed. Those items removed from the Consent Calendar by a member of the Council will be trailed to the end of the agenda, while Consent Calendar items removed by the public will be discussed immediately after approval of the Consent Calendar.

A.1. Register Of Demands. (File 0300-30)

Recommendation: That the City Council

1. Ratify the list of demands for October 28, 2017 through November 24, 2017.

[Item A.1. Report \(click here\)](#)

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Motion: Moved by Councilmember Edson and second by Mayor Marshall to approve. **Approved 5/0.** Motion carried unanimously.

A.2. General Fund Adopted Budget for Fiscal Year 2017-2018 Changes. (File 0330-30)

Recommendation: That the City Council

1. Receive the report listing changes made to the Fiscal Year 2017-2018 General Fund Adopted Budget.

[Item A.2. Report \(click here\)](#)

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Motion: Moved by Councilmember Edson and second by Mayor Marshall to approve.
Approved 5/0. Motion carried unanimously.

A.3. Underground Utility District along Nardo, Granados, Rios, Corto, Lirio, Palmitas and Via de Vista. (File 1010-90)

Recommendation: That the City Council

1. Adopt **Resolution 2017-158**, approving the payment to SDG&E of \$53,710 from the City's share of CPUC Rule 20A funds in seed money to cover the design costs for the preparation of preliminary plans and preliminary cost estimate by SDG&E for the Nardo/Granados/Rios Underground Utility District that would include properties along Nardo Avenue, South Granados Avenue, South Rios Avenue, Corto Street, Lirio Street, Palmitas Street and Via de Vista.

[Item A.3. Report \(click here\)](#)

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Motion: Moved by Councilmember Edson and second by Mayor Marshall to approve.
Approved 5/0. Motion carried unanimously.

A.4. Residential Solid Waste Management Agreement. (File 1030-15)

Recommendation: That the City Council

1. Adopt **Resolution 2017-170** authorizing the assignment of the residential solid waste management Franchise Agreement from Coast Waste Management to EDCO Waste and Recycling Services; and
2. Authorize the City Manager to negotiate a new comprehensive Franchise Agreement with EDCO for consideration by Council at a future Council meeting.

[Item A.4. Report \(click here\)](#)

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Motion: Moved by Councilmember Edson and second by Mayor Marshall to approve.
Approved 5/0. Motion carried unanimously.

This item was pulled by a public speaker.

A.5. Community Grant Program Awards. (File 0330-25)

Recommendation: That the City Council

1. Adopt **Resolution 2017-171** authorizing the funding for all community grant applicants for financial assistance under the Fiscal Year 2017-18 Community Grant Program.

[Item A.5. Report \(click here\)](#)

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Greg Wade, City Manager, introduced the item.

Rebecca Hill stated that she was with the American Association of University Women and coordinated the Tech Trak science and math week long camp held at San Diego State University for seventh grade girls who showed interest in stem careers at a cost of approximately \$900 per person.

Councilmember Zito and Ms. Hill discussed that the organization would accept the condition that funding from the City would be focused to economically disadvantaged children.

Deanna Wolf thanked Council for the award to Casa de Amistad, that funding had supported 20 recent graduating seniors with 10 of them submitting U.C. applications to UC schools for next fall, and applicants' interests included computer programming, nursing, engineering, and kinesiology.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve the allocation, condition the American Association of University Women to fund economically disadvantaged children, and to fund the additional \$3,000 from reserves.

Approved 5/0. Motion carried unanimously.

American Association of University Women	\$5,000
Assistance League Rancho San Dieguito	\$3,000
Boys and Girls Club of San Dieguito	\$5,000
Casa De Amistad	\$5,000
Community Resource Center	\$5,000
La Colonia de Eden Gardens	\$5,000
North Coast Repertory Theatre	\$5,000
North County Immigration & Citizenship Center	\$5,000
Reality Changers	\$5,000
Solana Beach Civic and Historical Society	\$5,000
Total	\$48,000

C. STAFF REPORTS: (C.2.)

Submit speaker slips to the City Clerk.

C.2. Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2016-17. (File 0310-22)

Recommendation: That the City Council

1. Accept and file the City of Solana Beach Comprehensive Annual Financial Report (CAFR) for the fiscal year July 1, 2016 – June 30, 2017.
2. Accept and file the Communication of Internal Control related matters identified in an Audit letter.
3. Accept and file the Independent Accountants' Report on Agreed-Upon Procedures Applied to Appropriations Limit Worksheets letter.
4. Accept and file the Auditor's Communication with those charged with Governance letter.
5. Accept and file the Report on Compliance for the Housing Successor.

[Item C.2. Report \(click here\)](#)

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Greg Wade, City Manager, introduced the item

Marie Berkuti, Finance Manager, presented a PowerPoint (on file)

Brian Gruber, LSL, presented a PowerPoint (on file).

Deputy Mayor Zito and Mr. Gruber discussed appropriate contingency reserves that the minimum standard guideline was 15%, the City was at 17% which was average, that some cities do establish higher contingencies, that it was a balance of current and anticipated expenditures, that there had been no significant issues, and suggestions had been made and enacted and some were an ongoing process.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

B. PUBLIC HEARINGS: (B.1. – B.4.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

B.1. Public Hearing: 201 Lomas Santa Fe, Applicant: AT&T Mobility, Case 17-17-15.
(File 0610-60)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council disclosures, Receive public testimony, Close the Public Hearing.

2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines; and
3. Adopt **Resolution 2017-167** conditionally approving a Conditional Use Permit (CUP), Development Review Permit (DRP) and Structure Development Permit (SDP) for a new Wireless Cell Facility (WCF) and associated equipment located on the roof of an existing commercial office building at 201 Lomas Santa Fe, Solana Beach.

[Item B.1. Report \(click here\)](#)

[Item B.1. Supplemental Documents \(12-13-17 updated 4:00pm\)](#)

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Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Marshall opened the public hearing.

Council disclosures.

Tim Henion, AT&T representative, said the height of the structure was the same as determined by the survey they had conducted on the project, and that the land survey called out the top of the atrium feature.

Council and applicant representative discussed that this location was the applicant's first preferred location and that Council Policy's guideline's fourth preferred location, relocating to a different location on the building would be more obtrusive or lose the beneficial coverage, that the applicant requested the fire station location but it was rejected and that a medical building on Lomas Santa Fe was approached but they were not interested, and this location was finally preferred because it was the best coverage running up Lomas Santa Fe and with a single site rather than multiple sites, that the Presbyterian Church site was reviewed but would still require an additional site to achieve the required coverage.

Discussion continued regarding achieving a less intrusive location with dual locations on the building to not block the view shed, that the architectural railing of the existing building would be impacted, and that the adjacent store location structure would be more obtrusive.

Johanna Canlas, City Attorney, stated that there was a tolling agreement that would expire January 12, 2018, that Council appeared to be struggling with making the finding that this was the least obtrusive of all proposals, and that the applicant may consider providing a different location or different illustration on the existing proposed location.

Motion: Moved by Councilmember Nichols and second by Councilmember Edson to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Councilmember Nichols and second by Deputy Mayor Zito to re-open the public hearing. **Approved 5/0.** Motion carried unanimously.

Council and Applicant discussion regarding continuing the public hearing.

Motion: Moved by Councilmember Nichols and second by Deputy Mayor Zito to continue the public hearing to a date certain of January 10, 2018. **Approved 5/0.** Motion carried unanimously.

B.2. Public Hearing: 225 Pacific Avenue, Applicants: Mark and Felicia Barr, Case 17-12-21. (File 0600-40)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the public hearing, Report Council disclosures, Receive public testimony, Close the public hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the Council can make the required findings, adopt **Resolution 2017-138**, approving the request for a Development Review Permit (DRP) and Structure Development Permit (SDP) modification for the proposed single-family residence and attached garage at 225 Pacific Avenue.

[Item B.2. Report \(click here\)](#)

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Greg Wade, City Manager, introduced the item.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Marshall opened the public hearing.

Council disclosures.

James Chinn, applicant's representative, said that they had attempted to obtain a Coastal Commission permit 4 months ago and had just received a signed approved permit, that they ran out of time to use the City's permit based on Coastal Commission's delay, and asked for approval.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 5/0.** Motion carried unanimously.

B.3. Public Hearing: 781 E. Solana Circle, Applicant: Corsetti, Case 17-17-25. (File 0600-40)

Recommendation: That the City Council

The proposed project meets the minimum objective requirements under the Park Del Mar Development regulations and the underlying SBMC, could be found to be

consistent with the General Plan and could be found, as conditioned, to meet the discretionary findings required as discussed in this report to approve a DRP. Therefore, Staff recommends that the City Council:

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, and Close the Public Hearing.
2. Find the project exempt from the California Environmental Quality Act pursuant to Section 15303 of the State CEQA Guidelines; and
3. If the City Council makes the requisite findings and approves the project, adopt **Resolution 2017-166** conditionally approving a Development Review Permit (DRP) modification to allow for the construction of a 894 square foot addition to the existing, one-story, single-family residence and garage at 781 East Solana Circle.

[Item B.3. Report \(click here\)](#)

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Councilmember Edson recused herself due to property owned within 500 ft. of proximity of the project.

Corey Andrews, Principal Planner, presented a PowerPoint (on file).

Mayor Marshall opened the public hearing.

Council disclosures.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to close the public hearing. **Approved 4/0/1** (Recused: Councilmember Edson). Motion carried.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to approve. **Approved 4/0/1** (Recused: Councilmember Edson). Motion carried.

Mayor Marshall recessed the meeting at 8:10 p.m. for a break and reconvened at 8:16 p.m.

B.4. Public Hearing: Introduce (1st Reading) Ordinance 484 - Solana Beach Floodplain Overlay Zone to Comply with the National Flood Insurance Program. (File 0850-20)

Recommendation: That the City Council

1. Conduct the Public Hearing: Open the Public Hearing, Report Council Disclosures, Receive Public Testimony, Close the Public Hearing.
2. If the Council could make the findings as required under SMBC section 17.76.070, introduce **Ordinance 484** to amend the Solana Beach Floodplain Overlay Zone (Sections 17.80.020, 17.80.090 and 17.80.120) of the SBMC.

[Item B.4. Report \(click here\)](#)

Greg Wade, City Manager, introduced the item.

Mayor Marshall opened the public hearing.

Council Disclosures. Mayor Marshall reported that she had sold a home in the past within the project area.

Motion: Moved by Deputy Mayor Zito and second by Mayor Marshall to close the public hearing. **Approved 5/0.** Motion carried unanimously.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve. **Approved 5/0.** Motion carried unanimously.

C. STAFF REPORTS: (C.3. - C.5.)
Submit speaker slips to the City Clerk.

C.3. La Colonia Skate Park. (File 0720-30)

Recommendation: That the City Council

1. Provide feedback on the various design elements including:
 - a. The updated Skate Park design including signage and the donor wall;
 - b. The options for the sound wall and/or noise attenuation barrier along the northern boundary of the Skate Park;
 - c. The full mini full basketball court concepts and alignments; and
2. Adopt **Resolution 2017-159:**
 - a. Finding that the Project is exempt from CEQA pursuant to Section 15332 (In-fill Development Projects) of the State CEQA Guidelines.
 - b. Authorizing the City Engineer to complete the design plans and specifications package and advertise for construction bids.

[Item C.3. Report \(click here\)](#)

Greg Wade, City Manager, introduced the item.

Mo Sammak, Public Works/Engineering Dir., presented a PowerPoint (on file).

Council, Staff and Consultants discussed costs, fencing around the basketball court on some or all sides, funding gap, and sound wall options, that 100 ft. of vegetation would be needed to meet the benefits of a sound wall which would be difficult to achieve, and donor wall tiles.

Steve Ostrow stated that a new mini-full basketball court would be an upgrade from the half court located at Fletcher Cove, that replacing a half court with a mini full court would add an enhanced element to the park, that 16 or 20 ft. cage fence was for proximity to traffic which this area did not have so 4 ft. might be enough to stop the ball, that the east west design would add a dynamic to the park.

Councilmember and Consultants discussed that the court area was sunk down with significant difference in grade, that trees would have to come out and new trees would be planted, and that the slope and trees would help control balls flying out of the court.

Council and Staff discussed the dimensional differences between a half court of mini full court, that the bid could include both a half and a mini full court, and to consider including alternate bids or the entire base bid package.

Motion: Moved by Deputy Mayor Zito and second by Councilmember Edson to approve with feedback and direction provided with alternate bid option for the EnergiPlant or as a separate item. **Approved 5/0.** Motion carried unanimously.

C.4. Adopt (2nd Reading) Ordinance 483 Establishing a Community Choice Aggregation (CCA) Program. (File 1010-40)

Recommendation: That the City Council

1. Adopt **Ordinance 483** to establish the Solana Beach CCA program.

[Item C.4. Report \(click here\)](#)

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Johanna Canlas, City Attorney, read the title of the ordinance.

Mayor Marshall stated that her position was the same as before, that clean air was great, the City was small and it would be adding another level of government, and was concerned about cost implications.

Motion: Moved by Councilmember Edson and second by Councilmember Nichols to approve. **Approved 4/1 (Noes: Marshall).** Motion carried.

C.5. Adopt (2nd Reading) Ordinance 482 Related to Minimum Average Workspace. (File 0610-10)

This item was pulled from this agenda, after posting, and was not heard.

COMPENSATION & REIMBURSEMENT DISCLOSURE:

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

Councilmember Edson reported that she traveled to Washington D.C. for meetings regarding funding for Beach Replenishment Project and the City reimbursed the costs.

COUNCIL COMMITTEE REPORTS:

Regional Committees: (outside agencies, appointed by this Council)

- a. City Selection Committee (meets twice a year) – Nichols (Edson, alternate).
- b. County Service Area 17 – Marshall (Nichols, alternate).
- c. Escondido Creek Watershed Authority – Marshall/Staff (no alternate).
- d. League of Ca. Cities’ San Diego County Executive Committee – Nichols (Edson, alternate) and any subcommittees.
- e. League of Ca. Cities’ Local Legislative Committee – Nichols (Edson, alternate)
- f. League of Ca. Cities’ Coastal Cities Issues Group (CCIG) – Nichols (Edson, alternate)
- g. North County Dispatch JPA – Marshall (Edson, alternate).
- h. North County Transit District – Edson (Nichols, alternate)
- i. Regional Solid Waste Association (RSWA) – Nichols (Hegenauer, alternate).
- j. SANDAG – Zito (Primary), Edson (1st alternate), Nichols (2nd alternate) and any subcommittees.
- k. SANDAG Shoreline Preservation Committee – Zito (Hegenauer, alternate).
- l. San Dieguito River Valley JPA – Hegenauer (Nichols, alternate).
- m. San Elijo JPA – Marshall, Zito (City Manager, alternate).
- n. 22nd Agricultural District Association Community Relations Committee – Marshall, Edson.

Standing Committees: (All Primary Members) (Permanent Committees)

- a. Business Liaison Committee – Zito, Edson.
- b. Solana Beach-Del Mar Relations Committee – Nichols, Zito
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Nichols.
- d. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- e. I-5 Construction Committee – Zito, Edson.
- f. Parks and Recreation Committee – Nichols, Zito
- g. Public Arts Committee – Marshall, Hegenauer.
- h. School Relations Committee – Nichols, Hegenauer.

ADJOURN:

Mayor Marshall adjourned the meeting at 9:25 p.m.

Angela Ivey, City Clerk

Approved: February 14, 2018